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ATTORNEY FOR PLAINTIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

KERRI JOSEPH MALLOY,)	Case No.: 1:12-CV-01388-NJV
)	
Plaintiff,)	STIPULATION FOR THE AWARD AND
)	PAYMENT OF ATTORNEY FEES AND
vs.)	EXPENSES PURSUANT TO THE
)	EQUAL ACCESS TO JUSTICE ACT, 28
MICHAEL J. ASTRUE, Commissioner of)	U.S.C. § 2412(d), AND COSTS UNDER 28
Social Security,)	U.S.C. § 1920
)	
Defendant.)	& ORDER

TO THE HONORABLE NANDOR J. VADAS, MAGISTRATE JUDGE OF THE
DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned
counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in
the amount of THREE THOUSAND AND SEVEN HUNDRED dollars (\$3,700.00) under the
Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
matter of Mr. Malloy's assignment of EAJA fees to Kenneth J. Collins. The retainer agreement

1 containing the assignment is attached as Exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529
 2 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset
 3 allowed under the United States Department of the Treasury's Offset Program. After the order for
 4 EAJA fees is entered, the government will determine whether they are subject to any offset.

5 Fees shall be made payable to Kenneth J. Collins, but if the Department of the Treasury
 6 determines that Mr. Malloy does not owe a federal debt, then the government shall cause the
 7 payment of fees, expenses and costs to be made directly to Mr. Collins, pursuant to the assignment
 8 executed by Mr. Malloy. Any payments made shall be delivered to Mr. Collins.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
 10 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
 11 EAJA or otherwise. Payment of THREE THOUSAND AND SEVEN HUNDRED dollars and
 12 00/100 cents (\$3,700.00) in EAJA attorney fees, shall constitute a complete release from, and bar to,
 13 any and all claims that Plaintiff Kerri Malloy and Plaintiff's Attorney Kenneth J. Collins may have
 14 relating to EAJA attorney fees in connection with this action.

15 This award is without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to
 16 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
 17 provisions of the EAJA.

18 Respectfully submitted,

19
 20 Dated: May 9, 2013

/s/ Kenneth J. Collins
 (Per email authorization)
 KENNETH J. COLLINS
 Attorney for Plaintiff

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& ORDER

Stipulation for the Award and Payment of Attorney Fees and Expenses
 Pursuant to the Equal Access to Justice Act-2-

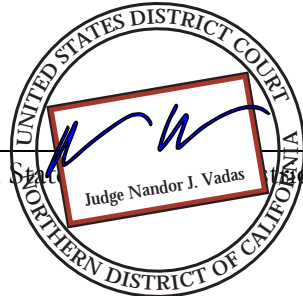
1 Dated: May 9, 2013

MELINDA L. HAAG
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel, Region IX
Social Security Administration

4 /s/ Patrick William Snyder
PATRICK WILLIAM SNYDER
Special Assistant United States Attorney
Attorneys for Defendant

6 IT IS SO ORDERED.

8 Dated: May 13, 2013

United States District Judge

United States District Judge

& ORDER

Stipulation for the Award and Payment of Attorney Fees and Expenses
Pursuant to the Equal Access to Justice Act-3-